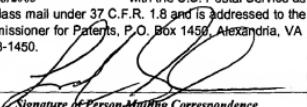


J! ~ ~ 2846

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>				Docket No. YOR92010104US1 (14270)	
Applicant(s): Stephen R. Fox, et al.		SEP 02 2003 U.S. PATENT & TRADEMARK OFFICE			
Serial No. 09/884,670	Filing Date 6/19/2001	Examiner Ron E. Pompey		Group Art Unit 2814	
Invention: DIVOT REDUCTION IN SIMOX LAYERS					
<u><b>TO THE COMMISSIONER FOR PATENTS:</b></u>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	38 -	47 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	3 -	3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____.</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>50-0510/IBM</b></p> <p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p>					
 <i>Signature</i> Dated: August 28, 2003					
Leslie S. Szivos, Ph.D. Registration No. 39,394 SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza Garden City, New York 11530 (516) 742-4343					
<div style="border: 1px solid black; padding: 5px; margin-left: auto; margin-right: 0;">         I certify that this document and fee is being deposited on 8/28/2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.       </div> <div style="text-align: right; margin-top: 10px;">   <i>Signature of Person Mailing Correspondence</i> </div>					
Leslie S. Szivos, Ph.D. Typed or Printed Name of Person Mailing Correspondence					

CC:



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant(s):** Stephen R. Fox, et al.

**Examiner:** Ron E. Pompey

**Serial No:** 09/884,670

**Art Unit:** 2814

**Filed:** June 19, 2001

**Docket:** YOR920010104US1 (14270)

**For:** DIVOT REDUCTION IN  
SIMOX LAYERS

**Dated:** August 28, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE

Sir:

In further response to the Office Action dated March 26, 2003, applicants submit a Declaration under 37 C.F.R. §1.132 for consideration in conjunction with the previously filed response dated July 28, 2003.

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on August 28, 2003.

Dated: August 28, 2003

Leslie S. Szives, Ph.D.

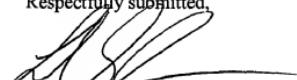
### **REMARKS**

Applicants respectfully request consideration of the accompanying Declaration under 35 U.S.C. §1.132 in conjunction with the previously filed response dated July 28, 2003.

The present Declaration provides experiments and data to establish that the claimed annealing ambient is not obvious relative to the disclosures of Sadana '643, Sadana '689, and Tachimori, et al. cited by the Examiner in the Office Action dated March 26, 2003. More specifically, the enclosed colored micrographs, which are part of the Declaration, indicate that applicants have unexpectedly determined that the use of an ambient gas comprising 0 to about 90% oxygen and from about 10 to about 100% of N<sub>2</sub> is capable of providing an SOI substrate that contains a superfacial Si-containing layer that has a substantial reduced number of tile or divot defects, as compared to SOI substrates that are not annealed in the claimed gas ambient. The reduction of divot formation due to the inventive method was unexpected because the claimed annealing atmosphere was considered by those having ordinary skill in the art to effect only buried oxide formation.

Thus, in view of the previously submitted remarks in conjunction with the evidence submitted in the present Declaration, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Leslie S. Szivos  
Registration No. 39,394

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(516) 742-4343

LSS:HAH/sf

Enclosure      Declaration under 37 CFR 1.132